

RESOLUTION NO. 3748

AUTHORIZING AND DIRECTING CONDEMNATION OF
REAL PROPERTY FOR STREET AND UTILITY PUR-
POSES AND ELECTRIC POWER FACILITIES

BE IT RESOLVED by the Council of the City of Lodi as follows:

The Council of the City of Lodi finds, determines, and hereby declares:

(1) That the public interest, necessity, and convenience require the acquisition, construction, and completion in the City of Lodi of a public improvement, to-wit: Street widening and the installation of electric power facilities and other utility services on and across certain real property located on Lower Sacramento Road, South of Turner Road, in the City of Lodi, San Joaquin County, California.

(2) That the real property hereinafter described is suitable, adaptable, necessary, and required for the public use of said City of Lodi, as hereinabove set forth.

(3) That the City of Lodi acquire the herein-after-described real property for street widening, utility, and electrical power distribution purposes, by donation, purchase, or by condemnation in accordance with the provisions of the Code of Civil Procedure of the State of California relating to eminent domain. That the City Attorney is hereby authorized to prosecute in the name of the City of Lodi, any and all actions or proceedings required to acquire the necessary land and/or to fix the compensation to be paid for property damage resulting from the construction and maintenance of said improvements; and in the absence of a satisfactory price agreement with the owner of the land, the City Attorney is hereby directed to immediately commence proceedings under Title Seven, Part Three of the Code of Civil Procedure of the State of California to condemn the property hereinafter described for the purpose of taking said land for the public use of said City as hereinabove set forth.

(4) To acquire in the name of the City of Lodi, a fee simple estate in and to the said hereinafter-described real property by condemnation in accordance with the provisions of the Streets and Highways Code, Code of Civil Procedure, and the Constitution of California relating to eminent domain.

(5) To make application to a Court of competent jurisdiction for an order fixing the amount of such security in the way of money deposits as said Court may direct, and for an order permitting said City of Lodi to take immediate

possession and use of said property, or interest in real property, or existing improvements for the public use as hereinabove set forth; to make deposit of such security or moneys in such amount so fixed and determined and in such manner as said Court in which such condemnation proceedings are pending may direct.

(6) The real property, or interest in real property which the City of Lodi is by this Resolution authorized to acquire for said public improvements are situate in the City of Lodi, County of San Joaquin, State of California, and is particularly described as follows:

A portion of the Northeast Quarter of Section 3, Township 3 North, Range 6 East, Mount Diablo Base and Meridian.

The East 15.00 feet of the West 55.00 feet of the following described property:

Commencing at the Southwest corner of said quarter; thence North 0° 02' West, along the West line of said quarter, a distance of 1241.7 feet to the Southwest corner of that certain 0.90 acre parcel of land described in deed to Lemoin Beckman, et ux, recorded January 12, 1956, in Vol. 1827 of Official Records, page 307, and being the true point of beginning of the hereinafter described tract of land; thence South 89° 34' East, along the South line of the said Beckman land and its Easterly extension, a distance of 398.7 feet to an angle point in the boundary of the land described in deed to Capell Land Development Company, Inc., recorded March 14, 1963, in Vol. 2668 of Official Records, page 259; thence North 0° 01' West along said Capell land, a distance of 567.7 feet to a Northwest corner thereof; also being on the North line of the land described in Gift Deed to Carrie C. Erich, recorded in Vol. 764 of Official Records, page 119; thence South 88° 38' West, along the North line of said Erich land, a distance of 398.9 feet; more or less, to the West line of said Northeast quarter, thence South 00° 02' 00" East along said West line, a distance of 555.2 feet to the point of beginning.

Except therefrom that certain 0.90 acre tract of land described in deed to Lemoin Beckman, et ux, recorded January 12, 1956, in Vol. 1827 of Official Records, page 307.

Also except therefrom that certain 0.40 acre tract of land described in deed to Billy G. Lewis, et ux, recorded July 14, 1961, in Vol. 2436 of Official Records, page 415, San Joaquin County Records.

Grantor reserves the right to use the surface providing the said use does not interfere with Grantees' enjoyment of this easement, but Grantor shall have no right to construct any buildings or structures within said easement.


DATED: March 21, 1973.

I hereby certify that the foregoing resolution was passed and adopted by the City Council of the City of Lodi in regular meeting held March 21, 1973, by the following vote:

AYES: Councilmen EHRHARDT, HUGHES, KATNICH,
PINKERTON, and SCHAFFER

NOES: Councilmen - None

ABSENT: Councilmen - None



BESSIE BENNETT, City Clerk

